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SEP 1	2004 APPLICATION NUMBER 10/822,613	FILING OR 371 (c) DATE 04/12/2004	FIRST NAMED APPLICANT Philip J. Scarpace	ATTORNEY DOCKET NUMBER 4300.015400
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CONFIRMATION NO. 5010

FORMALITIES LETTER



\*OC000000013221490\*

Mark D. Moore  
Williams, Morgan & Amerson, P.C.  
Suite 1100  
10333 Richmond  
Houston, TX 77042

Date Mailed: 07/13/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

09/17/2004 HTECKLU1 00000062 10822613  
01 FC:2051 65.00 OP

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

Phuong Bui  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



CERTIFICATE OF MAILING  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 13, 2004  
\_\_\_\_\_  
Date

*Mark Weller*  
\_\_\_\_\_  
Signature

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

PHILIP J. SCARPACE  
GANG LI

Serial No.: 10/822,613

Filed: April 12, 2004

For: rAAV VECTOR-BASED PRO-  
OPIOMELANOCORTIN  
COMPOSITIONS AND METHODS OF  
USE

Group Art Unit: 1645

Examiner: Unknown

Atty. Dkt. No.: 4300.015400

**CUSTOMER NO.: 23720**

**RESPONSE TO 37 C.F.R. § 1.53(F) NOTICE**

**MAIL STOP MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application Under 37 C.F.R. § 1.53(f), dated July 13, 2004, there are enclosed herewith:

- (a) Declaration executed on behalf of Philip J. Scarpace and Gang Li;
- (b) Our check in the amount of \$65.00 to cover the surcharge for late filing;
- (c) Preliminary Amendment;

- (d) Paper copy of the Sequence Listing;
- (e) Computer readable form (CRF) copy of the Sequence Listing;
- (f) Statement that the content of the paper copy and computer readable copy of the Sequence Listing are the same, and include no new matter as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d); and
- (g) Copy of Notice to File Missing Parts of Nonprovisional Application.

An Assignment to the University of Florida and a check for \$40.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Director is authorized to deduct or credit said fees from or to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4300.015400.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON  
CUSTOMER NUMBER 23720

Date: September 13, 2004



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AGENT FOR APPLICANTS